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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,543	02/05/2004	Robert A. Luciano JR.	CL2-03-001	8942
55136	7590	06/18/2007		
BALLY GAMING INC. 6601 S. BERMUDA ROAD LAS VEGAS, NV 89119				
			EXAMINER BOND, CHRISTOPHER H	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 06/18/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/772,543

Applicant(s)

LUCIANO ET AL.

Examiner

Christopher H. Bond

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

2. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. The applicant's 'means for sending no-win bingo game results to player terminals' is not disclosed by the applicant in the specification.

4. 35 U.S.C. § 112, sixth paragraph has been invoked for claims 4 and 6. 35 U.S.C. § 112, sixth paragraph states that a claim limitation expressed in means-plus-function language "shall be construed to cover the corresponding structure...described in the specification and equivalents thereof." "If one employs means plus function language in a claim, one must set forth in the specification an adequate disclosure showing what is meant by that language. If an applicant fails to set forth an adequate disclosure, the applicant has in effect failed to particularly point out and distinctly claim the invention as required by the second paragraph of section 112." B. Braun Med., Inc. v. Abbott Labs., 124 F.3d 1419, 1425, 43 USPQ2d 1896, 1900 (Fed. Cir. 1997).

Claim Rejections - 35 USC § 103

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoseloff, USPAT 6,398,645 (Yoseloff).**

7. In regards to applicant's claims 1 and 4, Yoseloff presents an electronic video bingo with multi-card play ability and discloses (column 2, lines 30-34), "The purpose of a display apparatus is to display several items or individual images or pieces of numerical information to the players such as the game number, the last number called, a record of numbers drawn, and the count of numbers called." This would meet the applicant's limitation of having a means for including at least the number of bingo balls in the bingo ball draws before ending each bingo game. Yoseloff further discloses (column 6, line 52 – column 7, line 2), "...the gaming apparatus randomly chooses a second set of numbers from within said first set of numbers, said second set of numbers being smaller than said first set of numbers. The choice or selection/non-selection of bingo cards must of course be made prior to the display of the randomly selected second set of numbers or bingo ball. The apparatus (e.g., software or hardware) compares the second set of numbers to the numbers on each of the selected...bingo cards. The matching numbers (between the randomly selected second set of numbers and the numbers on the bingo cards) on at least the selected bingo cards are identified and recognized (e.g., displayed) by the apparatus on...the selected...hands. The

apparatus then awards credits or money to the player for achieving any payout lines on any of the selected bingo cards." This would meet the applicant's limitation of having a means for associating (i.e. comparing) numbers of drawn bingo balls with patterns (i.e. payout lines), a means for generation of bingo ball draws (i.e. randomly choosing a set of numbers), a means for determining if a win event has occurred, and a means for awarding a win amount. Yoseloff further discloses (column 10, lines 28-59) that, "Payouts are awarded on the basis of how few numbers must be selected in the drawing of the second set of symbols to completely fill an individual bingo card or create a winning combination. The fewer the number of balls selected in the second set, the relatively higher the payout. The apparatus preferably provides each card with a centrally located free space, as wherein each card has three vertical columns consisting of three symbols each, and wherein a symbol in a central column is a free space. The apparatus may, for example, provide bingo payouts approximately as follows:

Outcome	Payout
Camp Stool Triple	10,000
Triangle Triple	5,000
Slant "A" Triple	2,500
Parallel Double	1,250
"X" Double	500
Plus Double	500
"T" Double	200
Slant "X" Double	75
Angle Double	50
3 Number Single	40
Two Number Single	25
Corner Square	10

Any other scale of payout may be used, usually selecting a payout scale that provides the house with a winning percentage, yet offers players a reasonable short-term chance of winning, such as the players overall percentage win on all bets placed being no less than 90% and no more than 99.9%." This would further meet the applicant's limitation of assigning a win amount to each win event, as well as having a means for allocating a percentage of money spent for payouts. Payout calculations are often probabilistic, as

indicated above. Moreover, the percentage of money allocated to payouts, 'the house', etc. are is a design choice. It would have been an obvious matter of design choice to make a payout, where the allocated amount is approximately equal to a frequency-based calculation of at least one win event and assigned win amount, since the applicant has not disclosed that this percentage allocation solves any stated problem or is for any particular purpose, as it would appear that the invention would perform equally well with any other percentage of allocation being used.

8. The method of providing a bingo game win event comprised of: determining a number of balls with a pattern, and making a win event; assigning a win amount to the win event; allocating a percentage of purchase amounts for bonus payouts; playing bingo games including a generation of bingo draws for each game; generating at least one number of bingo balls to be included in the bingo ball draws before ending each game; determining if a win event has occurred, and awarding an assigned win amount corresponding to the win event as disclosed by the applicant, merely discloses the steps of the bingo gaming systems operations, and since each element must be implemented in order to make the device, the method would have at least been obvious in view of the device.

9. Accordingly, claims 1 and 4 would have been at least obvious.

10. As to claims 2 and 5, Yoseloff discloses (column 5, lines 55-57), "The most traditional [bingo] game has 5x5 columns and rows from 10 to 20 different numbers available in each column..." This would meet the applicant's limitation of having a number of bingo balls corresponding to 50 in the case of having 10 different numbers in

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each of the 5 columns. This is however a design choice, as applicant has not disclosed that using 50 balls solves any stated problem or is for any particular purpose and it appears the invention would perform equally as well with a different number of balls. Furthermore, although Yoseloff does not mention a win pattern comprised of 4 corners as one of the payouts in his invention, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include this as one of the win patterns, since it has been long well known in the art that four corners is a common bingo win pattern.

11. The method of at least one bingo win pattern comprising 4 corners, where at least one number of bingo balls comprises 50 as disclosed by the applicant merely discloses the steps of the bingo gaming systems operations, and since each element must be implemented in order to make the device, the method would have at least been obvious in view of the device.

12. Accordingly, claims 2 and 5 would have been at least obvious.

13. As to claims 3 and 6, as discussed above, the Yoseloff invention awards credits or money to the player for achieving any payout lines on any of the selected bingo cards. Yoseloff also referenced a predetermined payout table which contained payouts (applicant's prize elements) corresponding to certain bingo game outcomes. One skilled in the art would recognize that a prize pool and its configuration would have been a matter of design choice, as applicant has not disclosed that randomly selecting the number of prize elements based on the total number of virtual bingo cards solves any stated problem or is for any particular purpose and it appears the invention would

perform equally as well with a different means of selecting prize elements in the prize pool would perform equally as well. Furthermore, the means for sending the selected elements to a player terminals in a virtual game would have also been a mere matter of design choice, as applicant fails to disclose the novelty of doing such, or that it solves any stated problem or is for any particular purpose, as it would appear that the invention would perform equally as well with any means for sending prize elements to player terminals—common examples of this known to those skilled in the art would be adding winning credits to the player's machine, printing prize vouchers/coupons, or having the machine configured to provide actual payout to the player (i.e. coin hopper). As discussed above, Yoseloff discloses that the display provides a record of the numbers drawn, which would show both winning and non-winning bingo game results.

Furthermore, one skilled in the art would recognize that sending non-winning bingo game results would be accomplished by a verification system—a common feature of most electronic, video bingo gaming systems. Sending a player a 'non-winner' message would have been a mere matter of design choice, as the applicant has not disclosed that sending a no-win bingo game result solves any stated problem or is for any particular purpose, as it would appear that the invention would perform equally as well with any means for sending prize elements to player terminals.

14. The method of generating at least one predetermined pool containing elements which correspond to bingo outcomes, randomly selecting elements from the pool, sending selected elements to player terminals, and sending no-win bingo game results to player terminals, as disclosed by the applicant, merely discloses the steps of the

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bingo gaming systems operations, and since each element must be implemented in order to make the device, the method would have at least been obvious in view of the device.

15. Accordingly, claims 3 and 6 would have been obvious.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Enzminger et al., USPAT 6,569,017; Weingardt, USPAT 5,727,786; Invencion, USPAT 5,718,631; Weingardt, USPAT 5,482,289; Pocock et al., USPAT 5,297,802; Fulton, USPAT 5,242,163; Frain, USPAT 5,230,514; Lovell, USPAT 5,178,395; Greer, USPAT 5,160,146; Richardson, USPAT 5,054,787—as these all relate to electronic bingo gaming systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher H. Bond whose telephone number is (571) 272-9760. The examiner can normally be reached on M-F 9:30am - 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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